

I don't want mandatory enforcement of the broadcast flag. Mandatory use of this flag will be the end of fair use for everyone. This flag is nothing more than a mandated profit center.

If a citizen of this nation wants to record something they see on their television for playback later, or commentary among friends, they need to be able to do so. They can now, why not a few years from now? Just because we will soon have the technology in place to enforce a pay per play schema for media distribution does not mean we should do it.

I will not support anyone responsible for this flag, ever, should it become a mandate. Further, I will take active steps to make others aware of the nature of the error and who is responsible.

This is no small matter. Large corporations are basically seeking mandated profits at the expense of everyone else. Is media that important to us? It is simply folly to believe that we, as a society, will be better off having traded our ability to innovate in an environment of freedom for the profit of some media companies, who would rather change the world than change themselves.

Do we really need 'Terminator 3' more than we need to continue to grow the technology that enabled its creation in the first place? Consider who is telling you this and what their motives are before affirming your answer.

My motive is simple. I want to preserve the rights I have now with regard to media I own. Today, a \$20.00 DVD purchase is a good value. It will last a long time, I can view when I want, on what I want and where I want. If I made a bad call, I can give it to a friend, or put it in the used market. Years from now, assuming our existing rights are intact, I can transcode that DVD onto whatever player happens to exist then. This is real value that people understand and can relate to. All of this exists right now with the VCR as well. A \$10 VHS purchase will provide all of these same options and people know it. This is exactly why movie media is selling the way it is right now. People can see the value. Use of the media makes good sense to almost everyone and the law is crafted to address those that don't understand.

I believe the motive behind this broadcast flag is deeper than fear of piracy. Piracy happens every day *right now* yet the media companies make money hand over fist. Piracy is a side effect of technology freedom. We have laws that address these things, should we not use them before making new designer laws intended to benefit corporations, not citizens?

One real problem our content creators face is media life and how that will impact their business model. Previous analog media forms would degrade. Media consumers were used to a slow but steady repurchase model as player and media formats improved or became worn. The currently high copyright term combined with traditional media assured any large catalog holder strong annuity income.

Today the story is different. DVD and CD media provide enough fidelity for most of us and has a very long life. These two attributes will act together to sharply reduce that annuity income stream currently enjoyed by media catalog holders today.

The reality is simple. We are consuming media faster than it can be produced. We will reach a point where most of us will own a copy of the back catalog media we enjoy. At this point profit drops for obvious reasons.

Can't we just accept that and make adjustments accordingly? Why must profit in the form of pay per use schemes, which the broadcast flag is a big part of, be mandated? My livelihood is not mandated, why should Disney's? After all we have decided that companies have the same rights as citizens do right? Well, I know what I would be told if my livelihood became threatened by changes in the world. "Adapt or Die." Shouldn't Disney be subject to the same rules?

Right now, Disney gets profit assurance, I get to lose:

- Fair use.
- The benefit of an open technology market. The permission to innovate will be held by a select few.
- Choice.

Someone explain to me exactly why I must give up so much so that Disney has an easier time making money?